



Journal of the Senate

Number 31

Thursday, May 19, 1977

The Senate was called to order by the President at 9:00 a.m.
A quorum present—36:

Mr. President	Gorman	Plante	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Saylor	Vogt
Childers, W. D.	Johnston	Scarborough	Ware
Dunn	Lewis	Scott	Williamson
Firestone	McClain	Skinner	Wilson
Gallen	Myers	Spicola	Winn
Glisson	Peterson	Thomas, Jon	Zinkil

Excused: Senator Barron until 10:00 a.m.; Senator Gordon because of illness; Senator Graham

Prayer by Dr. C. Earl Cooper, Pastor, Riverside Baptist Church, Jacksonville:

Almighty God, creator of all mankind, maker of heaven and earth, father of all thy children, father of Abraham, Isaac, and Jacob, Jesus, Peter, and Paul, speak to us today.

Make us to hear the gentle voice of love and compassion; make us to hear the strong and terrible voice of duty; make us to know thy love, thy law, thy truth for all mankind—Jew and gentile, black and white, of much and little faith, east and west, big and small. Make us to know, O God, who we are, but most particularly, whose we are. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, May 19, 1977:

SB 1454	SB 488	SB 575	SB 14
CS for	SB 1357	CS for	HB 545
SB's 758 &	SB 425	SB 97	SB 646
945	SB 293	CS for	CS for
CS for	SB 580	SCR 77	SB 653
SB 569	SB 989	SB 506	SB 548
CS for	SB 997	CS for	SB 1165
SB 869	SB 998	SB 545	SB 637
SB 48	HB 779	SB 1014	SB 953
SB 1016	SB 147	CS for	
SB 643	SB 919	SB 73	

Respectfully submitted,
Tom Gallen, Chairman

The Committee on Rules and Calendar recommends the following pass:

SB 1459	SB 1467	SB 1468	SB 1474
SB 1462	SB 1456	SB 1469	SB 1475
SB 1463	HB 1501	SB 1470	SB 855
SB 1464	SB 1446	SB 1471	SB 1477
SB 1465	SB 1447	SB 1472	SB 856

The bills were placed on the Calendar.

The Committee on Transportation recommends a Committee Substitute for the following: SB 1175

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1338 and SB 1393

The Committee on Judiciary-Civil recommends Committee Substitutes for the following:

SB 724 and SB 969 SB 1330

The Committee on Education recommends a Committee Substitute for the following: SB 338 with 2 amendments

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Honorable Lew Brantley, President

Your Committee on Rules and Calendar met this date to consider your motion relative to introducing a bill of an emergency nature after the 18th day cut-off. The subject matter of the bill deals with the Jacksonville Expressway System.

The Committee voted unanimously to allow the bill to be introduced and considered during the 1977 session of the Legislature.

Respectfully submitted,
Tom Gallen, Chairman

On motion by Senator Gallen, the report of the committee was adopted.

On motion by Senator Scarborough, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

By Senators Scarborough, Hair, Glisson, Gallen, and Brantley—

SB 1481—A bill to be entitled An act relating to the Department of Transportation; authorizing the department to covenant to complete a certain revenue producing project for the Jacksonville expressway system; providing certain conditions; providing an effective date.

—which was read the first time by title and referred to the Committee on Transportation.

On motion by Senator Myers, the rules were waived and the Committee on Transportation was granted permission to consider SB 1481 this day.

Report of Subcommittee to Standing Committee

The Planning and Budgeting Select Subcommittee of the Appropriations Committee recommends unfavorably: SB 22; favorably with committee substitute: Combining the following bills into a Committee Substitute:

CS for SB 23, SB 372, SB 735, SB 1111 and SB 1376 to the standing committee.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jon Thomas, by two-thirds vote SB 693 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Gallen, the rules were waived and by two-thirds vote SB 558 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Spicola, the rules were waived and by two-thirds vote HB 1035 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote Senate Bills 900 and 524 were withdrawn from the Committee on Commerce.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1011 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Scarborough, the rules were waived and by two-thirds vote SB 1346 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Lewis, the rules were waived and by two-thirds vote Senate Bills 36, 557, 720, 1359, House Bills 6, 24 and 40 were withdrawn from the Committee on Finance, Taxation and Claims.

REQUESTS FOR EXTENSION OF TIME

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 698 by Senator Jon Thomas	HB 1107 by Representative Girardeau
SB 859 by Senator Firestone	HB 1853 by Committee on Transportation
SB 1466 by Senators Poston and Renick	

The Committee on Commerce requests an extension of 15 days for consideration of the following:

CS for HB 8 by Regulated Industries and Licensing Committee and Representative Dyer	SB 847 by Senators Scarborough, Hair
HB 939 by Tourism and Economic Development Committee	SB 854 by Senators Winn, Gordon, Firestone, Graham, et al
HB 1049 by Finance and Taxation Committee	SB 871 by Senators MacKay, Zinkil, et al
SB 824 by Senator Trask	SB 878 by Senator Scarborough
SB 826 by Senator Trask	SB 887 by Senator Dunn
SB 842 by Senator Hair	SB 894 by Senator Lewis
SB 846 by Senators Scarborough, Hair	SB 899 by Senator Renick
	SB 901 by Senator Renick
	SB 909 by Senator Scott

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following:

SB 214 by Senator Spicola	HB 294 by Representative Steinberg
SB 737 by Senator Firestone	HB 606 by Representative Richard
SB 928 by Senator Trask and others	HB 804 by Transportation Committee
SB 1453 by Health and Rehabilitative Services Committee	
HB 171 by Representative Fontana and others	

The Special Master for Claim Bills requests an extension of 15 days for consideration of the following:

SB 432 by Senator Renick
SB 477 by Senator Lewis
SB 759 by Senator Winn and others
SB 926 by Senator Peterson
SB 1048 by Senator Zinkil
SB 1264 by Senator Gordon
SB 1281 by Senator Pat Thomas
SB 1335 by Senator Pat Thomas

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 92 which he had approved May 17, 1977.

Appointment Subject to Confirmation by the Senate

The Secretary of State on May 17, 1977 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Anthony Valenti, Holder; Member, Board of Trustees of the Citrus County Hospital Board, for term ending July 7, 1980

—which was referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to SB 1455 and again requests the Senate to concur and in the event the Senate refuses to concur, requests a Conference Committee.

Allen Morris, Clerk

By the Committee on Appropriations—

SB 1455—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1977 AND ENDING JUNE 30, 1978 TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY-BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; SUSPENDING SECTIONS 23.027, 25.073, 27.34(2), 27.54(3), 215.32(2)(C), 216.182(1), 216.221, 216.262, 216.291(2)(A), 216.292, 216.301, 216.301(2), 216.351, PART II, CHAPTER 218, 230.765, 230.767(2), 236.081(1)(C), 236.081(3), 240.046, 257.22, 287.161, AND 402.17(3), F.S., CHAPTER 76-285, LAWS OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

On motions by Senator Lewis, the Senate again refused to concur in the House Amendments and acceded to the request for a conference committee. The action of the Senate was certified to the House.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2 and 3 and passed HB 1405, as amended, and has refused to concur in Senate Amendments 4 and 6 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Transportation—

HB 1405—A bill to be entitled An act relating to road construction contracts; amending s. 337.141, Florida Statutes, relating to payment of contracts, including an agreement by a contractor's surety for release of payment in required documents to be submitted to the final estimate engineer; providing a definition; providing an effective date.

On motion by Senator Poston, the Senate receded from Senate Amendments 4 and 6.

HB 1405 passed as amended and the bill was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Plante	Thomas, Pat
Castor	Hair	Poston	Tobiassen
Chamberlin	Henderson	Renick	Trask
Childers, Don	Holloway	Saylor	Vogt
Childers, W. D.	Johnston	Scarborough	Wilson
Dunn	Lewis	Scott	Winn
Firestone	McClain	Skinner	Zinkil
Gallen	Myers	Spicola	
Glisson	Peterson	Thomas, Jon	

Nays—None

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 6 and has refused to recede from House Amendments 1, 2, 3, 4, 5, 7 and 8 to SB 686, further amended, and passed as further amended—

By Senator Johnston—

SB 686—A bill to be entitled An act relating to estates of decedents; repealing s. 731.108, Florida Statutes, relating to waiver by interested party; amending s. 731.110, Florida Statutes, providing that caveat proceedings apply to any person; amending s. 731.301(1)(c) and (2)(b), Florida Statutes, providing for a verified statement instead of an affidavit; amending s. 731.302, Florida Statutes, providing clarification as to who may waive any right or notice, and consent to actions or proceedings under the Florida Probate Code; amending s. 731.303(2) and (4), Florida Statutes, providing order binding a sole holder or all coholders of a general power of appointment binds others; providing when notice must be given; amending s. 732.106, Florida Statutes, providing that heirs, instead of issue, conceived before but born after decedent's death may inherit; amending s. 732.205, Florida Statutes, providing for elimination of reference to dower rights; amending s. 732.301(1), Florida Statutes, providing for waiver and clarifying marriage contract to be a prenuptial or postnuptial agreement; amending s. 732.402, Florida Statutes, providing that exempt property rights have priority over all claims other than a perfected security interest in exempt property; amending s. 732.502(1), Florida Statutes, providing method for testator and witnesses to execute a will; amending s. 732.503, Florida Statutes; providing that, in the self-proof of will oath, the undersigned declares that the testator signed in the presence of witnesses; providing for the notary seal; amending s. 732.505, Florida Statutes, providing for revocation by a subsequent inconsistent codicil; amending s. 732.702(1), Florida Statutes, providing which rights may be waived; amending s. 732.801(2), (3), (5) and (6), Florida Statutes, providing what may be disclaimed; providing that if ordered by the court, a guardian shall record a disclaimer; providing that a disclaimer shall relate from when recorded for purposes of disposition of disclaimed interests; providing for time for recording disclaimer instead of filing; providing waiver or bar to disclaim if beneficiary has disposed of property before recording disclaimer; amending s. 732.803(1), Florida Statutes, providing when a charitable devise can be avoided if lineal descendants or a spouse files a notice instead of specified persons; amending s. 733.103, Florida Statutes, providing the probate of a will in Florida shall be conclusive of certain facts; amending s. 733.109(1), Florida Statutes, providing that any interested person may petition for revocation before final discharge; providing for proper statutory references; amending s. 733.202(3), Florida Statutes, providing for clarification as to what the petition shall contain; amending s. 733.203(1), Florida Statutes, providing for proper statutory reference; amending s. 733.301(5), Florida Statutes, providing when a person with a higher preference may have letters revoked and granted to him; amending s. 733.303, Florida Statutes, providing that if a personal representative in a will is not qualified, letters shall be granted as provided in s. 733.301, Florida Statutes; amending s. 733.401(3), Florida Statutes, providing that mistaken noncompliance with certain requirements is not jurisdictional; amending s. 733.402(1), Florida Statutes, providing clarification by changing requirements to requirement; amending s. 733.502, Florida Statutes, providing for clarification that acceptance of resignation shall not exonerate the personal representative; amending s. 733.507, Florida Statutes, providing procedure for appointment of a successor personal representative when a personal representative has resigned or has been removed; amending s. 733.602(1), Florida Statutes, providing that the personal representative shall administer the estate for the best interests of interested persons, not merely beneficiaries; amending s. 733.607, Florida Statutes, providing that the personal representative shall not take possession of the homestead; amending s. 733.608, Florida Statutes, providing that the personal representative shall control all real and personal property except the homestead; amending s. 733.611, Florida Statutes, providing clarification as to what a person dealing with a personal representative does not have to inquire about; amending s. 733.612, Florida Statutes, 1976 Supplement, providing for proper statutory reference; amending s. 733.619(1) and (3), Florida Statutes, providing for clarification as to when a personal representative is individually liable; amending s. 733.701, Florida Statutes, providing for

proper statutory reference; amending s. 733.705(4), Florida Statutes, providing that no interest shall be paid or allowed on a claim until the expiration of 5 calendar months from first publication of the notice of administration; amending s. 733.707, Florida Statutes, providing for order of payment of expenses and obligations, not claims; amending s. 733.710, Florida Statutes, providing for a 3-year limitation against actions if no letters have been issued in Florida within 3 years from death of decedent; providing exception to recorded liens and lien of person in possession of personal property; providing no effect on right to foreclose or enforce mortgage or lien; amending s. 733.802(1), Florida Statutes, providing when a beneficiary can compel payment of devises or distributive interest; amending s. 733.808(2), Florida Statutes, providing death benefits shall be paid to the trust upon admission of will to probate; amending s. 733.809, Florida Statutes, providing for clarification that right of retainer refers to beneficiary not distributee; providing for permissible offset of noncontingent indebtedness; amending s. 733.810(2), Florida Statutes, providing clarification as to when a personal representative shall satisfy the devise in kind; adding subsection (3) to said section, providing that with consent, the personal representative may distribute assets non-pro rata among beneficiaries; amending s. 733.817(1), Florida Statutes, providing that tax shall be charged to corpus and not apportioned between temporary and remainder interests when a residuary interest is interest in income or an estate for years or for life or other temporary interest; amending s. 733.901(1), Florida Statutes, providing clarification that the petition is a petition for discharge; amending s. 734.102(2)(b) and (3), Florida Statutes, providing that copies of letters and the petition for letters must be filed; providing that if the will and codicils comply with s. 732.502(1) or (2), Florida Statutes, the court shall admit the will and any codicils to record; amending s. 734.103(1) and (2), Florida Statutes, providing that in testate estate of nonresident decedent, domiciliary personal representative must file transcript showing order admitting will to probate; providing for clarification of statutory reference, amending s. 734.104, Florida Statutes, providing for muniment of title involving foreign will of nonresident devising real property in Florida; providing that copy of petition for probate and order admitting it to probate may be admitted to record, not probate, in this state; providing that wills and codicils heretofore recorded in the circuit court whether admitted by order or not, shall be valid and effectual to pass title to real property; providing the record or a certified transcript shall be presumptive evidence of authority of any person authorized by a will to convey or dispose of any real property; amending s. 735.107(3)(d) and (e), Florida Statutes, providing clarification as to that property which is still liable after order of family administration; creating s. 735.2055, Florida Statutes, providing that a petition for summary administration may be filed any time the estate qualifies; amending s. 735.206(3)(d) and (e), Florida Statutes, providing clarification as to that property which is still liable after order of summary administration; amending s. 735.209(2), Florida Statutes, providing clarification that notice of the petition for summary administration gives notice of the hearing; amending s. 735.301(1), Florida Statutes, providing clarification as to what property may be disposed of under disposition without administration; amending s. 735.302(1)(a), Florida Statutes, providing for refund of taxes in certain cases on a verified application; providing an effective date.

—and again requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 38-40, strike all of sections 43 and 44 of the bill and insert: Section 43. Section 734.103, Florida Statutes, is amended to read:

734.103 ~~Auxiliary administration; claims~~ *Estates of testate nonresident decedents; claims.*—

(1) When a *testate* nonresident decedent leaves property in this state, the domiciliary personal representative of his estate, or any other person, may file a petition in the court of a county where the property is located requesting the entry of an order admitting the probated foreign will and any probated codicils thereto to record. The petition shall recite that the probated foreign will and any probated codicils comply with subsections 732.502(1) and (2), Florida Statutes, and shall be accompanied by authenticated copies of the will and any codicils, the petition for probate, the order admitting them to probate, the letters or their equivalent, and the part of the domiciliary

record that will show the names of the devisees under the will and codicils. On presentation of the foregoing, the court may admit the will and codicils to record. If any of the documents required under this subsection are not a part of the domiciliary record, then on proper proof thereof, the court may waive the requirement for such documents or may require an affidavit of the petitioner reciting the information not disclosed by the domiciliary record, determine the question of claims in Florida before the expiration of the 3-year period provided in s. 733.702 by filing in the court of the county where any property is located an authenticated transcript of so much of the domiciliary proceedings as will show—

(a) In a testate estate, the probated will and all probated codicils of the decedent, the order admitting them to record, the letters or their equivalent, and the part of the record that will show the names of the devisees and heirs of the decedent or an affidavit of the domiciliary personal representative reciting that the names are not shown or fully disclosed by the domiciliary record and specifying the names. On presentation of the foregoing, the court shall admit the will and any codicils to probate if they comply with subsections 732.502(1) or (2).

(b) In an intestate estate, the authenticated copy of letters of administration or their equivalent with the part of the record showing the names of the heirs of the decedent or an affidavit of the domiciliary personal representative supplying the names as provided in paragraph (a). On presentation of the foregoing, the court shall order them recorded.

(2) After the entry of an order admitting the will and any codicils to record, the petitioner complying with the foregoing requirements, the domiciliary personal representative may cause a notice to be published according to the requirements of s. 731.111 731.703 notifying all persons having claims or demands against the estate to file them.

(a) If notice is published, then no claim or demand against the decedent's estate, as described in subsection 733.702(1), shall be binding on the estate, on the personal representative, or on any beneficiary unless presented within 3 calendar months from the time of the first publication of the notice and in the manner and form prescribed in s. 733.703.

(b) If any claim is filed against the estate within the time allowed, the court shall send to the domiciliary personal representative a copy of the claim and a notice setting a date for a hearing to appoint an ancillary personal representative. At the hearing the court shall appoint an ancillary personal representative according to the preferences as provided in s. 733.301.

(c) If an ancillary personal representative is appointed pursuant to paragraph (b), the procedure for filing, objecting to, and suing on claims shall be the same as for other estates, except the ancillary personal representative appointed shall not have less than 30 days from the date of his appointment within which to object to any claim filed.

(3) The procedure for filing claims, and objecting to them and suing on them, shall be the same as for other estates.

(4) If no claims are filed against the estate within the time allowed, the court shall enter an order adjudging that notice to creditors has been duly published and proof thereof filed and that no claims have been filed against the estate or that all claims have been satisfied.

Section 44. Section 734.104, Florida Statutes, is amended to read:

734.104 Presumptive evidence of title Foreign wills; record and effect after 3 years from death of testator.—Any will and codicil admitted to record pursuant to s. 734.103 shall be presumptive evidence of the authority of any person authorized by will or codicil to convey or otherwise dispose of the decedent's property in this state, or any right, title or interest therein.

(1) An authenticated copy of a will, including any codicils to it, of a nonresident that devises real property in this state, or any right, title, or interest in it, and that conforms to subsections 732.502(1) or (2), when admitted to probate in the proper court of any other state, territory, or country and accompanied by an authenticated copy of the petition for [probate] and order admitting it to record, may be admitted to probate in any county of this state where the real property is located, at any time after 3 years from the death of the

testator or any time after the domiciliary personal representative has been discharged, when there has been no probate of the will in this state. If no petition is required as a prerequisite to the probate of a will in the jurisdiction where the will of the nonresident was probated, on proof by affidavit or certificate of the judge of the court that no petition is required, an authenticated copy of the will and order admitting it to record may be admitted to probate without the petition for probate.

(2) The copies of the will, codicil, and order admitting to probate may be admitted to record on the petition of any person.

(3) When admitted to record, the will and any codicil shall pass title to real property and any right, title, or interest in it.

Amendment 2—On page 5 in title, lines 29-31, and on page 6, lines 1-18 strike all of said lines and insert: any codicils to record; amending s. 734.103, Florida Statutes, providing that in the case of a testate nonresident decedent leaving property in this state, any person may file a petition requesting the entry of an order admitting the probated foreign will to record, providing certain requirements of the petition, providing that notice to creditors may be made and providing the effect of such notice; amending s. 734.104, Florida Statutes, providing that any will or codicil admitted pursuant to s. 734.103, Florida Statutes, shall be presumptive evidence of authority to convey or otherwise dispose of the decedent's property in this state; amending s. 735.107(3)(d) and (e),

Amendment 3—On page 10, line 21, insert: Section 7. Subsection (2) of section 732.108, Florida Statutes, is amended to read:

732.108 Adopted persons and persons born out of wedlock.—

(2) For the purpose of intestate succession in cases not covered by subsection (1), a person born out of wedlock is a lineal descendant of his mother and is one of the natural kindred of all members of the mother's family. The person is also a lineal descendant of his father and is one of the natural kindred of all members of the father's family, if:

(a) The natural parents participated in a marriage ceremony before or after the birth of the person born out of wedlock, even though the attempted marriage is void; or

(b) The paternity [of the father] is established by an adjudication before or after the death of the father; or

(c) The paternity of the father is acknowledged in writing by the father. And renumber the following sections accordingly.

Amendment 4—On page 1 in title, line 21, insert: amending s. 732.108(2), Florida Statutes, providing that paternity may be established for persons born out of wedlock by written acknowledgment of the father;

Amendment 5—On page 14, line 25, following (3), insert: (4),

Amendment 7—On page 2 in title, line 16, Following words "disclaimed interests;" insert: "providing exception for effective date of disclaimer;"

Amendment 8—On page 2 in title, line 10, following (3), insert: (4),

Amendment 9—On page 17, line 9, following the words "in quality and quantity," insert: Provided, however, a disclaimer may be recorded at any time after the creation of the interest upon the written consent of all interested parties as provided in section 731.302.

On motions by Senator Johnston, the Senate concurred in the House Amendments 1, 2, 3, 4, 5, 7, 8 and 9.

SB 686 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Hair	Plante	Tobiassen
Castor	Henderson	Poston	Trask
Chamberlin	Holloway	Renick	Vogt
Childers, Don	Johnston	Sayler	Williamson
Childers, W. D.	Lewis	Scarborough	Wilson
Dunn	MacKay	Scott	Winn
Firestone	McClain	Skinner	Zinkil
Glisson	Myers	Spicola	
Gorman	Peterson	Thomas, Pat	

Nays—None

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER

SB 1454—A bill to be entitled An act relating to the ethics in government; adding s. 112.311(7), (8), (9), Florida Statutes; providing legislative intent; amending s. 112.3145, Florida Statutes, 1976 Supplement; providing for full financial disclosure to be filed by certain persons; providing for the Florida Commission on Ethics to receive statements of full financial disclosure; providing time for filing; defining contents of full financial disclosure; providing for persons filing full financial disclosure to also file limited financial disclosure; providing for specified persons to file limited financial disclosure; providing time for persons to file limited financial disclosure; providing definition of contents of limited financial disclosure; providing for distribution by mail of disclosure forms; providing for filing separate disclosure of gifts; amending s. 112.3146, Florida Statutes; requiring certain statements of financial disclosure to be public records; amending s. 112.3147, Florida Statutes, 1976 Supplement; providing for forms for disclosure of financial information; creating s. 112.3148, Florida Statutes; requiring disclosure of representation of clients before agencies; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Sayler and adopted:

Amendment 1—On page 6, line 12, strike the word “an” and insert: any

Senator Sayler moved the following amendment which was adopted:

Amendment 2—On page 2, line 25, after “appointed” insert: and each candidate for such office

On motion by Senator Gallen, the rules were waived and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senators Dunn, Barron, Brantley, Castor, Chamberlin, Don Childers, W. D. Childers, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Sayler, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson and Winn—

SCR 1480—A concurrent resolution commending the Florida Jaycees and recognizing their contribution to the people of Florida.

—was read the first time in full. On motion by Senator Gallen, by two-thirds vote SCR 1480 was read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—34

Mr. President	Dunn	Henderson	Plante
Barron	Firestone	Holloway	Poston
Castor	Gallen	Johnston	Renick
Chamberlin	Glisson	Lewis	Scarborough
Childers, Don	Gorman	MacKay	Scott
Childers, W. D.	Hair	McClain	Skinner

Spicola	Tobiassen	Ware	Wilson
Thomas, Jon	Trask	Williamson	Winn
Thomas, Pat	Vogt		

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Gallen, the President appointed Senators W. D. Childers and Tobiassen as a committee to escort Terrell Bechtol, president of the Florida Jaycees, and Tom Hayes, executive vice president to the rostrum.

Mr. Hayes presented the “Distinguished Service Award” to Wayne Todd, Assistant Sergeant at Arms of the Florida Senate. Mr. Bechtol addressed the Senate.

SPECIAL ORDER, continued

The Senate resumed consideration of—

SB 1454—A bill to be entitled An act relating to the ethics in government; adding s. 112.311(7), (8), (9), Florida Statutes; providing legislative intent; amending s. 112.3145, Florida Statutes, 1976 Supplement; providing for full financial disclosure to be filed by certain persons; providing for the Florida Commission on Ethics to receive statements of full financial disclosure; providing time for filing; defining contents of full financial disclosure; providing for persons filing full financial disclosure to also file limited financial disclosure; providing for specified persons to file limited financial disclosure; providing time for persons to file limited financial disclosure; providing definition of contents of limited financial disclosure; providing for distribution by mail of disclosure forms; providing for filing separate disclosure of gifts; amending s. 112.3146, Florida Statutes; requiring certain statements of financial disclosure to be public records; amending s. 112.3147, Florida Statutes, 1976 Supplement; providing for forms for disclosure of financial information; creating s. 112.3148, Florida Statutes; requiring disclosure of representation of clients before agencies; providing an effective date.

Senators Plante and Jon Thomas offered the following amendment which was moved by Senator Plante:

Amendment 3—On page 2, strike lines 17-30, and all of pages 3 through 11, and insert: Section 2. Section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(18) “Assets” means any article of value or intangible representation of value which may be redeemed or converted into a negotiable form, including, but not necessarily limited to: cash; government or corporate bonds; bank accounts; accounts receivable; loans, notes, and mortgages; cash surrender value of life insurance; stocks and securities; real property; and other negotiable instruments. For the purposes of this section, assets shall be listed and valued according to whether they are tangible personal property, real property, or intangible personal property. The value of tangible personal property is the insured value, or, if the insured value is not known, the reporting person's good faith estimate of its fair market value. Fair market value is the amount a purchaser, willing but not obliged to buy, would pay to one willing but not obliged to sell. The value of real property can be no less than the assessed value as determined by the property appraiser. The value of intangible personal property is the fair market value.

(19) “Liability” means any amount which the reporting person owes to another person or entity and which is payable in money, goods, or services. The unpaid balance as of the date of disclosure shall be used as the amount of the liability. Liabilities include, but are not limited to: accounts payable; credit cards and retail installment accounts; notes payable, whether secured or unsecured; loans against life insurance; interest payable; taxes and assessments payable; and liens and mortgages payable.

Section 3. Section 112.3145, Florida Statutes, 1976 Supplement, is amended to read:

(Substantial rewording of section. See s. 112.3145, F.S., 1976 Supplement, for present text.)

112.3145 Disclosure of financial interests.—

(1) Full financial disclosure

(a) Each elected constitutional officer and each candidate for each such office, each appointed head of each state department, each member of the judiciary whether elected or appointed and candidates for the judiciary, each person holding statewide elective office and each candidate for such an office, and each member of the Florida Commission on Ethics shall file full disclosure of financial interests.

(b) Such disclosure shall mean filing with the Secretary of State by no later than 12 o'clock noon of July 15 of each year and including July 15th following the last year he is in office or serves in the official capacity covered by this section the following:

1. A sworn personal financial statement describing each asset worth in excess of \$1,000 and its amount and each liability in excess of \$1,000 and its amount owned or owed directly or indirectly by the person reporting. For purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child. In disclosing the amount of each asset or liability it shall be sufficient to report the amount as being within one of the categories enumerated within subsection (c) of this section, and

2. A copy of the person's most recent federal income tax return, or

3a. All sources and each amount of income in excess of \$1,000 received during the disclosure period by the person in his own name or by any other person for his use or benefit. However, this shall not be construed to require disclosure of a business partner's sources of income. In disclosing the amount of income from any source, it shall be sufficient to report the amount as being within one of the categories enumerated in subsection (c) of this section, and

3b. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and [from which he] received an amount in excess of \$1,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting,

(c) Disclosure of amounts or value of income, assets and liabilities as prescribed by subsections 1 and 3a of this section shall be sufficient if disclosed as being within one of the following categories:

1. Over \$1,000 but not exceeding \$5,000.
2. Over \$5,000 but not exceeding \$10,000.
3. Over \$10,000 but not exceeding \$25,000.
4. Over \$25,000 but not exceeding \$50,000.
5. Over \$50,000 but not exceeding \$100,000.
6. Over \$100,000 but not exceeding \$250,000.
7. Over \$250,000 but not exceeding \$500,000.
8. Over \$500,000 but not exceeding \$1 million.
9. Over \$1 million but not exceeding \$1.5 million.
10. Over \$1.5 million but not exceeding \$2 million.
11. Over \$2 million.

(d) Each person filing full financial disclosure shall also file with the Secretary of State a sworn statement showing any financial interest in any business entity provided a grant or privilege to operate in this state.

(2) Limited financial disclosure

(a) "Local officer" means:

1. Any person who is elected to office in any political subdivision of the state, any candidate for such office, and includes any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions by whatever title, including any person appointed to act directly in such capacity, but excluding any assistant or deputy unless specifically named herein: Clerk of the Circuit Court; clerk of the county court, county or city manager; political subdivision chief; county or city administrator, county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director, county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police, fire chief, city or town clerk; district school superintendent; community college president; or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

(b) "Specified employee" means:

1. Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as counsel or assistant counsel to any state agency; a judge of industrial claims; or a hearing examiner.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet, if that person is exempt from the career service system, except any person employed in a clerical, secretarial, or similar position.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, or assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

5. Any business manager, purchasing agent, finance and accounting director, personnel officer, or grants coordinator for any state agency, or any person having the power normally conferred upon such persons by whatever title.

6. The Auditor General; the Sergeant-at-Arms of the Senate; the Secretary of the Senate; the Sergeant-at-Arms of the House of Representatives; Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; or the staff director of any committee of the Legislature.

7. Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

(c) "State Officer" means:

1. Each elected public officer not covered elsewhere in this part to include any person elected to the United States Senate or House of Representatives, any candidate for such office, or any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction excluding a member of an advisory body and excluding members of the Florida Commission on Ethics who are required to file full financial disclosure pursuant to subsection (1).

3. A member of the Board of Regents; the Chancellor of the State University System; the Vice Chancellor of the State University System; or the president of a state university.

(d) Each local officer, candidate for such office, specified employee, and state officer and candidate for such office,

unless a statement of full financial disclosure is filed pursuant to subsection (1), shall file statements of limited financial disclosure. Statements of limited financial disclosure shall include the following information:

1. All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this subparagraph, indirect ownership shall not include ownership by a spouse or minor child.

4. Every debt which in sum equals more than the reporting person's net worth.

(e) The statement of limited financial disclosure of interests for state officers, specified employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure in which case the statement shall be marked "not applicable".

(3) General provisions for full and limited financial disclosure.—

(a) All statements of both limited and full financial disclosure shall be public records within the meaning of section 119.01.

(b) All constitutional officers, all state or local officers and all specified employees required by law to file either full or limited financial statements shall file such statements no later than 12 o'clock noon of July 15 of each year, including the July 15th following the last year he is in office or serves in the official capacity covered by the provisions of this section. Each state or local officer who is appointed and each specified employee who is employed shall file such statements within 30 days from the date of appointment or, in the case of specified employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever first occurs.

(c) Constitutional officers, state officers, specified employees, and persons seeking to qualify as candidates for state office shall file their statements of limited financial disclosure with the Secretary of State. Local officers shall file their statements of limited financial disclosure with the Clerk of the Circuit Court of the county in which they are principally employed or are residents. Persons seeking to qualify as candidates for local office shall file their statements with the officer before whom they qualify.

(d) In order to qualify as a candidate, a person seeking nomination or election to any elected office covered by either the full or limited financial disclosure provisions of this part shall file such disclosure with the appropriate person or office at the same time he files his other qualifying papers. Persons seeking to be appointed to, or employed in, any position covered by either the full or limited financial disclosure provisions of this act shall file such disclosure with the appropriate person or office at the time such person shall file application or request for such appointment or employment.

(e) A person required to file either full or limited financial disclosure who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure

of the same type for the same year or any part thereof notwithstanding any requirement of this act.

(f) Persons required to file either full or limited financial disclosure shall also file a list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For the purposes of this paragraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.

(g) The Florida Commission on Ethics shall send by mail a copy of the forms required for full financial disclosure to the persons required to file such disclosure. The Secretary of State shall, by mail, send a copy of the forms required for limited financial disclosure to those persons required to file such disclosure as state officers or specified employees and the agency shall send a copy of the required forms to local officers. If the position involved is an elected position, the forms shall be mailed no later than 30 days prior to the filing deadlines. However, the requirements of this paragraph shall not apply to candidates or to the first filing required.

Section 4. Section 112.3147, Florida Statutes, 1976 Supplement, is amended to read:

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3141, and 112.3145(1)-(4) shall be on forms prescribed by the Commission on Ethics.

(2) The Commission on Ethics shall prescribe a form for the disclosure of information pursuant to s. 112.3145(2)(e)-(3) for use by persons not required to file a statement of contributions pursuant to s. 111.011.

(3) The Commission on Ethics and the Department of State shall jointly prescribe a form for use by elected public officers, on which form both the information required to be furnished by s. 111.011 and the information required to be furnished by s. 112.3145(2)(3) and s. 112.3148 shall be disclosed.

Section 5. Section 112.3148, Florida Statutes is created to read:

(1) Each constitutional officer, state officer, local officer, and specified employee not prohibited from such representation shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such officer or specified employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court or judges or commissioners of industrial claims or representations on behalf of one's agency in his official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation so long as the issuance or granting of such license, [permit, or transfer does not require substantial discretion] a variance, a special consideration, or a certificate of public convenience and necessity.

(2) The Secretary of State shall by mail send a copy of the forms required to be filed by this part, together with a notice of the filing deadlines, to each constitutional officer, state officer and specified employee no later than 30 days prior to

the filing deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the filing deadlines. However, the requirements of this subsection shall not apply to candidates or to the first filing required of any constitutional officer, state officer, specified employee, or local officer.

Section 6. All disclosures of representation made pursuant to this section should be filed with the same person who receives statements of limited and full financial disclosure from the reporting person.

Section 7. This act shall take effect upon becoming law.

Senator Sayler moved the following amendments to Amendment 3 which failed:

Amendment 3A—On page 2, line 26, strike all of (b) and insert: (b) The Florida Commission on Ethics shall be the designated agent of the public to receive all reports of full financial disclosure. These reports may be utilized by the commission in the performance of its duties. Upon completion of any investigation by the commission and upon a finding that there has been a violation of the provisions of this act, such disclosure reports shall be forwarded to the proper disciplinary official or body. Otherwise, such disclosure reports shall remain confidential with the Florida Commission on Ethics. Members of the Florida Commission on Ethics shall also file full disclosure reports with the President of the Florida Senate and the Speaker of the Florida House of Representatives. These disclosure reports shall also remain confidential unless the special joint committee provided for in s. 112.324 shall find that there has been a violation of this part by a member of the Florida Commission on Ethics.

(c) Full financial disclosure statements shall be filed with the Florida Commission on Ethics no later than 12 o'clock noon of July 15 of each year including July 15th following the last year the person filing is in office or serves in the official capacity covered by this subsection. If the position involved is an appointed office, disclosure shall be filed within 30 days of such appointment. If the appointment is subject to confirmation by the Senate, such disclosure shall be filed with the Florida Commission on Ethics prior to the confirmation hearings or within 30 days from the date of appointment, whichever first occurs.

Amendment 3B—On page 3, line 9, after the word "of" insert: taxable

Amendment 3C—On page 2, line 24, after "office," insert: Any person elected to the governing body of any city or municipalities which is a political subdivision of the state, any person appointed to fill a vacancy in such governing body and any candidates for such office

Senator Scarborough moved the following amendment to Amendment 3 which failed:

Amendment 3D—On page 4, strike all of lines 13 through and including line 16 (renumber subsequent sub-paragraphs) and on page 2, line 24, after the comma, insert: each person who is elected to office in any political subdivision of the state and each candidate for such office, each person who is appointed to fill a vacancy for an unexpired term in an elective office of a political subdivision,

Senator Spicola moved the following amendments to Amendment 3 which were adopted:

Amendment 3E—On page 2, line 21, after "department" insert: including the executive director of each department

Amendment 3F—On page 5, line 17, strike "executive director"

Senators Castor and Spicola offered the following amendment to Amendment 3 which was moved by Senator Castor and failed:

Amendment 3G—On page 4, strike on line 20, everything after the period and strike all of lines 21 and 22 and insert on page 2, line 24 after the comma: each member of a govern-

mental body with land-planning, zoning, or natural resources responsibilities,

Senator Spicola moved the following amendment to Amendment 3:

Amendment 3H—On page 2, line 24, after the comma insert: each member of the governing body of a multi-county district with taxing authority

Amendment 3H was adopted by the following vote:

Yeas—25

Castor	Henderson	Scarborough	Vogt
Chamberlin	MacKay	Scott	Ware
Childers, Don	McClain	Skinner	Williamson
Childers, W. D.	Plante	Spicola	Wilson
Firestone	Poston	Thomas, Pat	
Gorman	Renick	Tobiassen	
Hair	Sayler	Trask	

Nays—7

Mr. President	Glisson	Johnston	Zinkil
Gallen	Holloway	Lewis	

Senators Vogt and Myers offered the following amendment to Amendment 3 which was moved by Senator Vogt and adopted:

Amendment 3I—On page 3, strike lines 29-33 and on page 4, strike lines 1-6 and insert:

5. Over \$ 50,000 but not exceeding \$ 75,000
6. Over \$ 75,000 but not exceeding \$100,000
7. Over \$100,000 but not exceeding \$150,000
8. Over \$150,000 but not exceeding \$200,000
9. Over \$200,000 but not exceeding \$250,000
10. Over \$250,000 but not exceeding \$300,000
11. Over \$300,000 but not exceeding \$400,000
12. Over \$400,000 but not exceeding \$500,000
13. Over \$500,000 but not exceeding \$750,000
14. Over \$750,000 but not exceeding \$1 million
15. Over \$1 million but not exceeding \$1.5 million
16. Over \$1.5 million but not exceeding \$2 million
17. Over \$2 million

Senator McClain moved that the Senate reconsider the vote by which Amendment 3G failed and the motion was adopted by the following vote:

Yeas—15

Castor	Holloway	Scarborough	Vogt
Childers, Don	McClain	Skinner	Ware
Childers, W. D.	Renick	Spicola	Wilson
Glisson	Sayler	Tobiassen	

Nays—12

Mr. President	Hair	Lewis	Trask
Gallen	Henderson	Plante	Winn
Gorman	Johnston	Scott	Zinkil

The question recurred on Amendment 3G which was adopted by the following vote:

Yeas—17

Castor	MacKay	Skinner	Williamson
Childers, Don	McClain	Spicola	Wilson
Dunn	Poston	Thomas, Jon	
Firestone	Renick	Vogt	
Glisson	Scarborough	Ware	

Nays—14

Mr. President	Hair	Myers	Winn
Chamberlin	Henderson	Plante	Zinkil
Gallen	Johnston	Scott	
Gorman	Lewis	Trask	

Senator Gallen moved the following amendment to Amendment 3 which was adopted:

Amendment 3J—On page 2, line 19, after "Constitutional officer" add: and each member of a governing body of charter county,

Senator Hair moved that the Senate reconsider the vote by which Amendment 3D failed. The motion failed by the following vote:

Yeas—17

Castor	Hair	Scarborough	Williamson
Chamberlin	McClain	Skinner	Wilson
Childers, Don	Poston	Spicola	
Firestone	Renick	Tobiassen	
Glisson	Sayler	Vogt	

Nays—18

Mr. President	Johnston	Plante	Ware
Dunn	Lewis	Scott	Winn
Gallen	MacKay	Thomas, Jon	Zinkil
Henderson	Myers	Thomas, Pat	
Holloway	Peterson	Trask	

Senator Gallen moved the following amendment to Amendment 3 which failed:

Amendment 3K—On page 2, line 24, after the comma insert: each appointed member of a local board, agency, authority or commission with taxing authority created by a Special Act of the Legislature,

Senator McClain moved the following amendment to Amendment 3 which was adopted:

Amendment 3L—On page 2, line 2, after the period insert: In the event the property is owned by joint tenancy or tenancy by the entirety the reporting person shall disclose and value only his interest in the property.

Senator Gallen moved the following amendment to Amendment 3 which was adopted:

Amendment 3M—On page 9, line 18, after "gifts" insert: as defined in section 112.312

Senator Spicola moved the following amendment to Amendment 3 which was adopted:

Amendment 3N—On page 4, line 20, after "body" insert: but including any appointed member of a local board, agency, authority or commission with taxing authority created by a special act of the legislature

The vote was:

Yeas—27

Mr. President	Gallen	Peterson	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Holloway	Scarborough	Vogt
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Wilson
Firestone	McClain	Spicola	

Nays—8

Glisson	Lewis	Thomas, Jon	Winn
Henderson	Myers	Ware	Zinkil

On motion by Senator Gallen, the rules were waived and time of adjournment was extended until final action on SB 1454.

Senators Plante and Jon Thomas offered the following amendment to Amendment 3 which was moved by Senator Plante and adopted:

Amendment 3O—On page 1, strike all of line 1 after "Section 2." and strike all of line 2, and insert: Adding subsections (18) and (19) to section 112.312, Florida Statutes, to read:

Senator Dunn moved the following amendment to Amendment 3 which failed:

Amendment 3P—On page 1, strike all of lines 1 through 4 and insert: Section 2. Paragraph (a) of subsection (9) is amended and subsections (18) and (19) are added to section 112.312, Florida Statutes, 1976 Supplement, to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(9)(a) "Gift" for purposes of ethics in government and financial disclosure required by law, means real property or tangible or intangible personal property, or any thing of material value to the recipient, which is transferred to a donee directly or in trust for his benefit or by any other means.

Amendment 3 as amended was adopted.

Senators Plante and Jon Thomas offered the following amendment which was moved by Senator Plante and adopted:

Amendment 4—On page 1 in title, strike all of lines 3 through 29 and insert: A bill to be entitled An act relating to ethics in government; adding sections 112.311(7), (8) and (9), Florida Statutes, providing legislative intent; adding subsections (18) and (19) 112.312, Florida Statutes, defining asset and liability; amending section 112.3145, Florida Statutes, 1976 Supplement, by substantially rewriting section providing for full financial disclosure for certain persons; and defining full financial disclosure; and providing for disclosure of interest in business entities; providing for limited financial disclosure, defining persons required to file limited financial disclosure; providing for general provisions; providing for public records; providing for deadline and place for filing disclosure; providing for disclosure by candidates; providing for disclosure of gifts; amending section 112.3147, Florida Statutes, 1976 Supplement, providing for distribution and content of forms; creating section 112.3148, Florida Statutes, providing for disclosure of representation; providing an effective date.

On motion by Senator Sayler, by two-thirds vote SB 1454 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Mr. President	Holloway	Renick	Vogt
Barron	Lewis	Scarborough	Ware
Childers, Don	McClain	Scott	Williamson
Childers, W. D.	Myers	Thomas, Jon	Wilson
Gallen	Peterson	Thomas, Pat	
Gorman	Plante	Tobiassen	
Henderson	Poston	Trask	

Nays—11

Castor	Firestone	MacKay	Winn
Chamberlin	Glisson	Sayler	Zinkil
Dunn	Johnston	Skinner	

Votes after roll call:

Yeas—Hair and Spicola

Explanations of Vote

Our vote against SB 1454 was because the bill, in our judgment, does not provide meaningful disclosure of net worth as required by the Constitutional Amendment.

<i>Don Chamberlin, 19th District</i>	<i>Edgar M. Dunn, Jr.,</i>
<i>George Firestone, 36th District</i>	<i>10th District</i>
<i>Betty Castor, 23rd District</i>	<i>Sherrill Skinner, 5th District</i>
<i>Harry A. Johnston, 11,</i>	<i>William G. Zinkil, 32nd District</i>
<i>26th District</i>	<i>K. H. MacKay, Jr., 6th District</i>

I have filed full financial disclosure statements plus my income tax return with the Secretary of State each year since I have been a member of the Florida Senate. This is public record. I voted against SB 1454 because of my feeling that the bill does not go far enough.

Sherman S. Winn, 34th District

CO-INTRODUCERS

Senator McClain—SB 1346; Senator Hair—SB 827

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 18 was corrected and approved as follows: Page 443, column 1, between lines 10 and 11 insert:

(The Journal of May 18 was corrected at the request of the Senate to include fuller discussion of the point of order raised by Senator Scarborough. The following is additional dialogue on the point.)

Senator Scarborough: Mr. President, I rise to make a point of order that the amendment as offered is in violation of Rule 6.4 which is "Reconsideration Generally",

Now, Mr. President, to the point, the rule provides that if the Senate shall refuse to reconsider or on reconsideration shall confirm its first decision, no further motion to reconsider shall be in order except by unanimous consent. The intent of the amendment is another attempt to further reconsider a question that has already been reconsidered by the Senate, and therefore the amendment would not be in order.

The language in the Plante amendment is tracked almost identical, in the amendment now being offered by Senator Hair and Senator Barron. The rule on reconsideration generally has always been that you can reconsider a main question or collateral matter one time and when that question has been put to rest it cannot be addressed to by another amendment, by another motion to reconsider or by any other means. The amend-

ment that is being offered is a further motion to reconsider a question that has already been considered and reconsidered by this Senate.

Senator Barron: To the point, Mr. President, I failed to explain that the amendment has considerably more language in it. The rest of the amendment goes to the question of naming the insurance company which we have addressed in products liability and medical insurance and which was in the bill previously and extends it to a couple of other areas. The amendment is in order because it is not the same.

Senator Plante: Mr. President, the reconsideration was on a collateral matter and once it was reconsidered and the reconsideration was defeated, it became part of the bill which is then up for amendatory process. If they were trying to repeal that section totally out of the bill, I think the point might be well taken but they are trying to move it into a different section of the bill and change basically the effective date of it. The effective date was never an issue in the original motion to reconsider.

Mr. President: Would the Senator from the 14th yield to a question from the chair? In the event there was no attempt in this amendment to alter your previous amendment but rather this amendment would deal with the effective date of the entire act, would the end result, and it relates to your earlier amendment, be essentially the same?

Senator Plante: What you are asking me is if they just offered an effective date amendment on this whole bill would that amendment be in order.

Mr. President: No, what I am asking you is if this amendment and this will be a part of my consideration on it, if this amendment did not affect your earlier amendment at all, in other words there was no language in there on your earlier amendment but rather was an effective date to the entire bill, would the end result be essentially the same as this amendment?

Senator Plante: No, because the amendment in effect would move what is now in the bill which is Section 16, which is the amendment adopted earlier, to Section 17—it inserts a new Section 16 which is part of the original bill—not in total. It deals with more than just an effective date in one area.

Pursuant to the motion by Senator Gallen, the Senate adjourned at 12:25 p.m. to convene at 8:30 a.m., May 20, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.